

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RODNEY A. BALLARD,)	CASE NO. 4:07CV3122
)	
Plaintiff,)	
)	
V.)	ORDER
)	
DAVID HEINEMAN, Governor,)	
Individually, JON BRUNING, Attorney)	
General, Individually, and TROOPER)	
NO. 371, Individually,)	
)	
Defendants.)	

This matter is before the Court on the Plaintiff's objection to the stay of proceedings, including the stay of all discovery, pending the resolution of the Defendants' motions for summary judgment based on qualified immunity, and, in the alternative, for additional time to conduct limited discovery on the qualified immunity defense. Qualified immunity protects government officials serving in a discretionary capacity from liability for actions undertaken in their official capacity. *Harlow v. Fitzgerald*, 457 U.S. 800, 816 (1982). Immunity gives government officials both the right to avoid trial and to avoid pretrial burdens like discovery, which can disrupt governmental effectiveness. *Behrens v. Pelletier* 516 U.S. 299, 308 (1996). Because Plaintiff has failed to set forward with any specificity the facts that he seeks to discover, the motion will be denied.

IT IS ORDERED:

The Plaintiff's objection to the stay and motion for an extension of time to conduct discovery (Filing No. 61) is denied;

Plaintiff shall respond to the motions for summary judgment filed by Defendants Bruning and Heineman on or before Monday, October 15, 2007.

DATED this 5th day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge